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30 DEC 2005

In re Application of
Sekiguchi et al.
Application No.: 10/508,936
PCT No.: PCT/JP03/04611
Int. Filing Date: 11 April 2003
Priority Date: 12 April 2002
Attorney Docket No.: Q83708
For: Liquid Crystal Display Device

DECISION

This is a decision on the "Response To Notification Of Missing Requirements..." filed on 15 June 2005, which is being treated as a petition.

BACKGROUND

This international application was filed on 11 April 2003, designated the U.S., and claimed a priority date of 12 April 2002. The International Bureau transmitted a copy of the published international application to the USPTO on 23 October 2003. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 12 October 2004. On 27 September 2004, applicants filed *inter alia* the basic national fee.

On 16 May 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the filing of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

On 27 June 2005, a Notice of Acceptance (Form PCT/DO/EO/903) was mailed to applicants, indicating that the date of this application under 35 U.S.C. 371(c)(1), (2) and (4) was 15 June 2005.

DISCUSSION

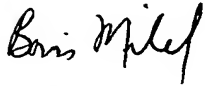
Petitioner argues that a declaration of the inventors "was in fact filed on September 27, 2004 as evidenced by the receipt date stamped by the PTO, a copy of which is attached hereto. Applicant is re-submitting a copy of the Declaration as filed on September 27, 2004."

The accompanying copy of a return postcard receipt itemizes, *inter alia*, a "Decl Yes (4 pages)." The postcard is stamped "Rec'd PCT/PTO 27 SEP 2004." MPEP 503 states in part that "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Following that practice, the four-page Declaration filed on 15 June 2005 is regarded as a copy of the declaration originally filed on 27 September 2004. Accordingly, the 35 U.S.C. 371(c)(1), (2) and (4) date appearing on the 27 May 2005 Notice of Acceptance is in error, and said Notice of Acceptance is hereby **VACATED**.

CONCLUSION

The petition is **GRANTED** as described above.

This application is being forwarded to the National Stage Processing Branch for further processing, including the preparation and mailing of a new Notice of Acceptance (Form PCT/DO/EO/903) reflecting **27 September 2004** as the date of this application under 35 U.S.C. 371(c)(1), (2) and (4). A corrected Filing Receipt reflecting a "filing date" (date under 35 U.S.C. 371(c)(1), (2) and (4)) of **27 September 2004** will also be prepared and mailed.



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